

DOCKET NO: 209880US-6 PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TATSUO EGUCHI, ET AL. : EXAMINER: VAN HANDEL, M.P.
SERIAL NO: 09/720,537 :
FILED: JUNE 27, 2001 : GROUP ART UNIT: 2424
FOR: METHOD AND APPARATUS FOR :
CONTROLLING RESERVED
RECORDING OF TELEVISION
BROADCAST PROGRAM AND
RECORDING MEDIUM HAVING A
PROGRAM RECORDED THEREON

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In reply to the Examiner's Answer of December 11, 2009, Applicants provide the following comments.

Remarks begin on page 2 of this paper.

REMARKS

The previously filed Appeal Brief is believed to address the rejections in detail, but the Examiner's Answer of December 12, 2009 provides certain clarifications of the rejections and comments not previously set forth, which are addressed in the following remarks.

ARGUMENT

Claims 27-30 Are Statutory under 35 U.S.C. § 101

In maintaining the outstanding rejection to claims 27-30 under 35 U.S.C. § 101 the outstanding Examiner's Answer states:

Referring to claims **27-30**, the claims are directed towards a tangible computer readable medium; however, the examiner notes that the specification defines that the medium can be the transmission medium for a program over a radio path from a downloading site through an artificial satellite for digital satellite broadcasting to the personal computer, or transmitted through a network, a local area network or Internet, so as to be stored in the enclosed hard disc in the personal computer (p. 56, paragraph 4 of Appellant's specification).¹

The above-noted grounds for the rejection references the present specification at page 56, fourth paragraph. Applicants submit that basis for the outstanding rejection is in error as the claims are not directed to those noted features, but have been limited to the disclosure for example at page 56, the third paragraph, which recites a program is stored in a recording medium such as a floppy disk 311, a CD-ROM 312, a MO disk 313, a DVD 314, a magnetic disk 315, or a semiconductor memory 316, which are clearly tangible computer readable media as recited in claims 27-30.

The above-noted rejection is in error as it is not considering how the claims have been amended and limited. The claims are not directed to the disclosure noted in the specification at cited page 56, fourth paragraph.

¹ Examiner's Answer of December 11, 2009, bottom of page 3.

The Rejection of Claims 15, 16, 19, 20, 23, 24, 27, and 28 under 35 U.S.C. § 102(e)

The Rejection of Claims 15, 16, 19, 20, 23, 24, 27, and 28 under 35 U.S.C. § 102(e) as anticipated by Daniels is improper. Those claims recite features neither taught nor suggested by Daniels.

The error in the prior art rejections of the claims as written is the rejections do not properly consider all the claimed features. The claims recite *simultaneously displaying a plurality of programs each with its own respective unique request button for record reservation data*. Reprinted below is Figure 16 in the present specification annotated to show each program has its own unique request button **R** for record reservation data.

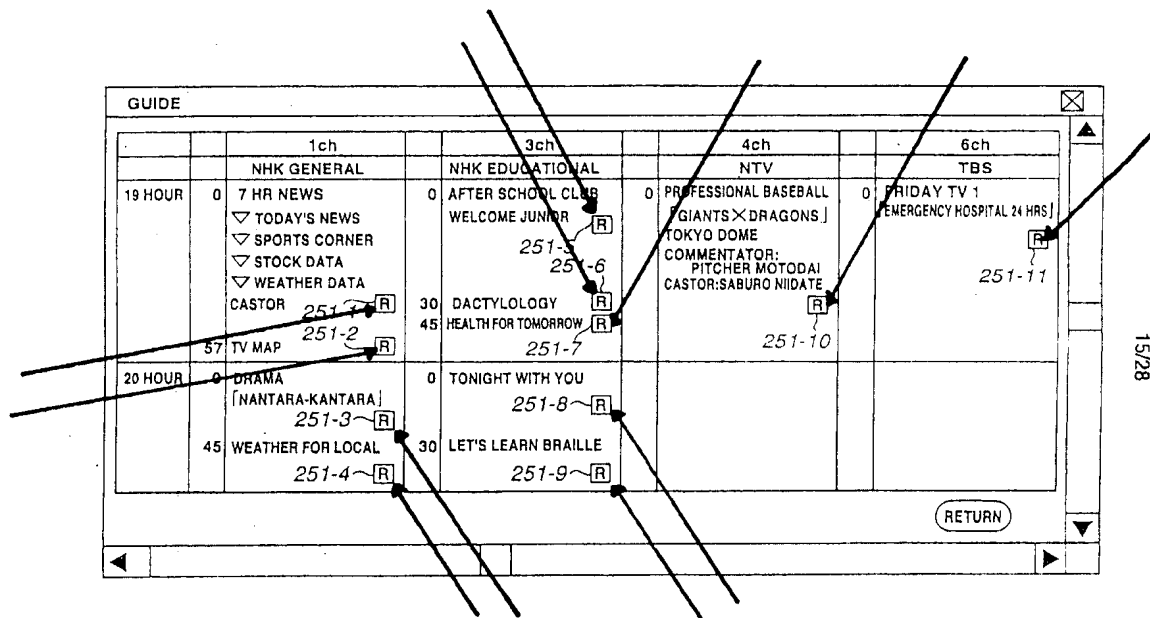


FIG.16

As clear from the above-noted figure, which highlights each unique request button **R** for record reservation data by providing a pointer thereto, each program being displayed

includes its own respective unique request button R for record reservation data. Daniels does not disclosure or suggest that feature.

Reprinted below is for example Figure 23 in Daniels showing a single record button for every program.

Patent Application Publication Mar. 14, 2002 Sheet 13 of 22 US 2002/0032907 A1

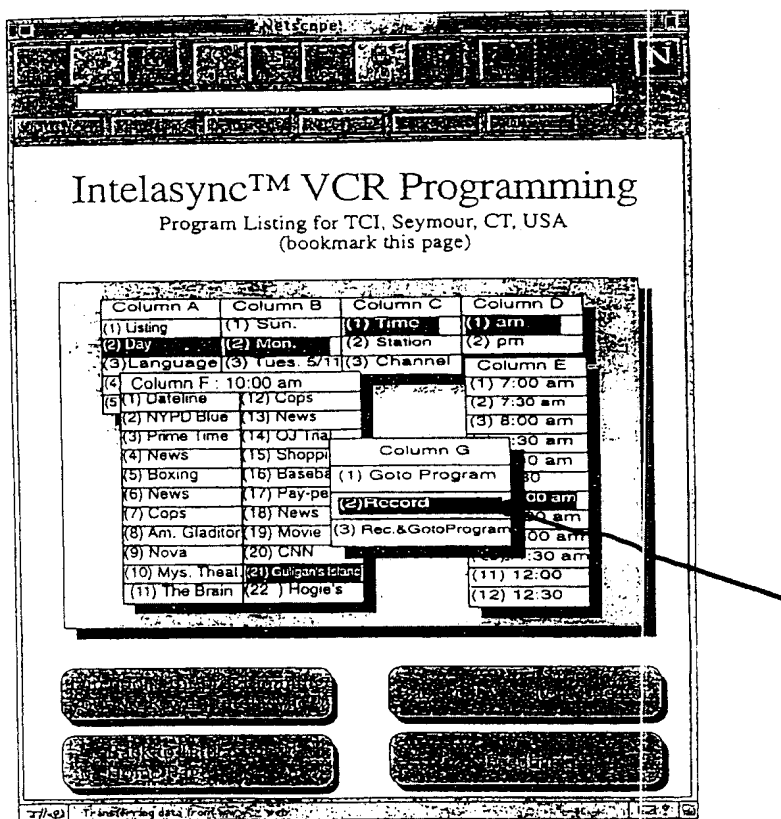



Figure 23

As clear from the above-noted disclosure in Daniels each program (1)-(22) does **not** include its own respective unique request button for record reservation data, but only a single record button in a separate Column G is provided.

The prior art rejections are in error in not fully considering those claimed features and misapplying the disclosures in Daniels with respect to those claimed features.

One basis for maintaining the rejection based on Daniels in the Examiner's Answer states:

As shown in Figures 24 and 25, the user selects a program cell within the program grid and selects the "RECORD selected program" button to record the selected program (Figs. 24, 25). Figure 9 shows the steps involved in choosing a program to record (p. 13, paragraph 134 & Fig. 9). The examiner notes that, in order to record the desired program of Figures 24 and 25, the user has to select the cell associated with the program prior to pressing the RECORD selected program button (Figs. 24, 25). The guide would not know which program to record without selection of a program cell. As such, the examiner interprets each of these cells to be "additional request buttons for record reservation data, such that each displayed program has its own corresponding unique button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program," as currently claimed.²

In reply to the above-noted grounds for rejection, applicants note each of Figures 24 and 25 in Daniels is similar to Figure 23 reprinted above in that a single record button is provided for all of the programs. Daniels does not disclose or suggest the features such as shown in Figure 16 in the present specification reprinted above in which each program includes its own respective unique request button  for record reservation data.

One further basis for maintaining the rejection as stated in the Examiner's Answer is:

The examiner interprets the "each displayed program has its own corresponding unique button for record reservation data

² Examiner's Answer of December 11, 2009, page 8, lines 11-22.

simultaneously displayed with the respective displayed program” to be the button underlying the program text, that is, the cell itself. Appellant argues that this does not address the claimed features in that the claims require that for each program, two different pieces of information are displayed, the name of the program and a unique button to record that program. The examiner respectfully disagrees. As shown in Figures 23 and 25, when the user selects a program cell, the entire cell is highlighted, not the text itself. The cell and the program title are not the same thing. The program title is text and the cell is a button the user selects to perform some function associated with the program text.³

Initially, applicants note the reference to Daniels itself does not disclose any distinction between what the above-noted statements indicates is a “program title” versus a “cell”. For example in cited Figure 23 Daniels discloses a display in Column F with program schedule information. Each displayed program (1)-(22) in Column F in Daniels is disclosed as a single program schedule information. Daniels does not provide any distinction between a “program title” and a “cell”.

Further, the above-noted statement for the rejection as to a user selecting a “program cell” and the entire cell being highlighted and not the “text” itself is also not at all clear. It appears for example in Figure 23 in Daniels that the highlighting is a way to indicate a selection, by which the background is highlighted dark and the text is in white to stand out against the dark highlighting. There does not appear to be any indication in Daniels of any unique attribute of a selection distinguishing between the noted “program title” and the “cell”.

Applicants submit the references to the “program title” and the “cell” in the rejection is an artifact of the rejection itself and is not recognized in Daniels. The rejection has not pointed to any disclosure in Daniels that would make the distinctions noted above.

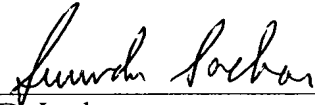
³ Examiner's Answer of December 11, 2009, the sentences bridging pages 9 and 10.

The outstanding rejection is thus further in error by making distinctions in Daniels that Daniels itself does not recognize or even contemplate.

In view of these additional foregoing comments provided supplemental to the comments presented in the previously filed Appeal Brief, applicants submit the outstanding rejections are clearly in error and must be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Surinder Sachar
Registration No. 34,423